

REMARKS

Claim 6 is cancelled and new claims 7-9 are added herein. Claims 1-5 and 7-9 are pending in the application.

Independent claim 1 recites said predetermined judgment value for restriction being smaller than said predetermined judgment value for regeneration. It is respectfully submitted that the Ludecke does not disclose or teach this feature.

With respect to claim 2, the Applicants previously noted that the Examiner has not pointed out where Ludecke discloses the claimed fuel restriction indicating means. The Examiner continues to omit discussion of this feature.

Applicants again respectfully submit that Ludecke does not disclose this feature, and request that the Examiner provide support in the reference for the feature.

Applicants acknowledge that Ludecke discloses a temperature sensor which indicates a temperature to be viewed by an operator. Ludecke, col. 5, ln. 42-46. However, this is clearly distinguishable from the claimed fuel restriction indicating means.

With respect to independent claim 5, this claim recites that the oxidizing and removing are performed independently from the restricting of the maximum fuel injection quantity. According to the Examiner, column 6, lines 6-15 disclose that "a fuel injection quantity is restricted during filter regeneration." Applicants disagree with this position and assert that the claimed restricting is patentably distinct from the shutting off of fuel injectors on an associated bank, as disclosed in Ludecke. However, assuming, *arguendo*, that the Examiner is correct, then the restriction and the oxidizing and removing in Ludecke are not independent of each other, as claimed. Specifically, Ludecke discloses that the periodic burn off occurs when one of the throttles is closed. Ludecke, col. 6, ln. 6-9. Thus, whether the Examiner is correct or not, this reference fails to disclose all the claimed features.

The remaining references do not overcome these deficiencies.

New claims 8 and 9 are patentable over the cited references at least due to their dependence from independent claim 1.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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